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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,	Case No. 13-CR-00004-J
Plaintiff,	Cheyenne, Wyoming
	July 26, 2013
vs.	3:04 p.m.
SIGIFREDO MOLINA VARELA,	
aka SIGI,	
Defendant.	CERTIFIED COPY

TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:	MR. STUART S. HEALY III Assistant United States Attorney UNITED STATES ATTORNEY'S OFFICE P.O. Box 668 Cheyenne, WY 82003-0668
For the Defendant:	MR. THOMAS B. JUBIN Attorney at Law JUBIN & ZERGA, LLC 2614 Pioneer Avenue P.O. Box 943 Cheyenne, WY 82003-0943
Court Reporter:	JULIE H. THOMAS, RMR, CRR 2120 Capitol Avenue, Room 2228 Cheyenne, WY 82001 (307)778-0078 CA CSR No. 9162

Proceedings recorded by mechanical stenography,
transcript produced by computer.

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I N D E X

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1 (Proceedings commenced 3:04 p.m.,
2 July 26, 2013.)

3 THE COURT: Mr. Healy.

4 MR. HEALY: Thank you, Your Honor. This is the
5 sentencing in United States of America versus Sigifredo Molina
6 Varela, Docket No. 13-CR-04-02J. The defendant was indicted
7 along with his codefendants on January 15th, 2013. He was
8 arrested, made his initial appearance, and at his arraignment
9 on January 23rd of this year pled not guilty. He stood on
10 that plea during a jury trial lasting between May 8th and
11 May 13th of this year. He was ultimately found guilty of the
12 two counts in the Indictment charged against him, that is,
13 Count 1, conspiracy to possess with intent to distribute and
14 distribution of methamphetamine, a (b)(1)(A) violation, and
15 Count 2, possessing a firearm in furtherance of a drug felony.

16 The presentence report was prepared. On page 10 the
17 probation officer found a base offense level of 36. As I
18 explained in the earlier hearing with Jacqueline Garcia, I
19 think that that's a completely legitimate finding based on the
20 information that was compiled about Mr. Molina prior to the
21 trial, but we do not have an agent here to testify today
22 because I think that, based on the testimony of the witnesses
23 at the trial, the amount that is most reasonable is between
24 1.5 and 5 kilograms -- let me just double-check -- yeah, 1.5
25 and 5 kilograms, amounting to a base offense level of 34 and a

1 total offense level of 34.

2 The defendant's criminal history is set out on
3 page 11 and starting at paragraph 35. He's been arrested on
4 several occasions, but those arrests are fairly old. His most
5 recent arrest is a theft by unlawful taking that he was
6 convicted of in March of 2002. He received one point for
7 that, a misdemeanor, which amounts to a Criminal History
8 Category of I at paragraph 41.

9 Paragraph 66 should be adjusted, the Government
10 agrees with Mr. Jubin's sentencing memorandum or his
11 objections, to a guideline imprisonment range of 151 to 188
12 months. 60 months consecutive must be imposed on Count 2.
13 The Government agrees with the conditions, special conditions
14 of supervised release set out in paragraph 71 if the defendant
15 is not deported upon completion of his term because he is a
16 resident legal alien.

17 Probation -- supervised release is mandated of at
18 least five years. Fines -- which incidentally, Your Honor, I
19 would be interested in reading that Ninth Circuit opinion you
20 referred to in the last hearing. Fines are set forth in
21 paragraph 75 through 77. There will be a \$200 special
22 assessment, \$100 for each count.

23 Thank you, Your Honor.

24 THE COURT: Thank you, Mr. Healy.

25 Mr. Jubin.

1 MR. JUBIN: May it please the Court. Your Honor, do
2 you want me to just address the presentence report at this
3 time?

4 THE COURT: Why don't we have your client come
5 forward --

6 MR. JUBIN: Okay.

7 THE COURT: -- raise his right hand.

8 COURTROOM DEPUTY: Sir, would you please raise your
9 right hand as best you can.

10 (The defendant was sworn.)

11 COURTROOM DEPUTY: Thank you.

12 THE COURT: Please state your full name.

13 THE DEFENDANT: My name is Sigifredo Molina Varela.

14 THE COURT: And your age?

15 THE DEFENDANT: 41.

16 THE COURT: As I understand it, you have some junior
17 college. Is that correct?

18 THE DEFENDANT: Yes.

19 THE COURT: And you are able to read and write the
20 English language?

21 THE DEFENDANT: I can read, not write, not spell very
22 good.

23 THE COURT: All right.

24 THE DEFENDANT: But I can read.

25 THE COURT: All right. Are you under the influence

1 of any drug, alcohol, pill, or medication today?

2 THE DEFENDANT: No, sir.

3 THE COURT: Your usual occupation has been as an
4 electrician; is that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And I think one of your employers was
7 Pole Mountain.

8 THE DEFENDANT: Yes.

9 THE COURT: And you also worked on a hospital at
10 Saint Stephens.

11 THE DEFENDANT: Uh, it was a high school.

12 THE COURT: High school, I'm sorry. I didn't
13 remember.

14 Tell me, have you received a copy of the presentence
15 investigation report?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And have you read that report?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And have you been able to discuss it with
20 Mr. Jubin, your attorney?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And are you satisfied with the work that
23 he's doing for you in that regard?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: I want to tell you in addition to what

1 Mr. Jubin has submitted to the Court, which is a response to
2 the presentence investigation report in your case, I have also
3 considered for you a series of letters that came really
4 through Miss Garcia's case, because most of them mention you
5 just as they mention her, and you need to know what is out
6 there that I looked at. There was a letter from Jenna
7 Muniz --

8 THE DEFENDANT: Yes.

9 THE COURT: -- a friend of both of you, through son
10 David and daughter Adrianna.

11 A letter from Lacey J. Cole that was written in
12 regard to both of you. I think she's known you for about six
13 years and knows you to be loving and caring to your children
14 and to everyone around you and that you would take in anybody
15 who needed a place to stay and treat them as your own and that
16 you -- she says about you that you are a hard-working man who
17 took care of his family and made sure that they were taken
18 care of, and she says about Jackie that she could talk to her
19 more than she could talk to her own mother.

20 A letter from Angela Garcia, who says she's known you
21 for 23 years and that you have been a part of her life and
22 came into her life when her brother Felix passed away from a
23 bad heart and the family was abandoned by her father. He
24 cared -- it says you cared and provided for the family as if
25 it were your own, gave us everything we needed and much more.

1 I didn't see him as my stepfather. I see him as my father as
2 he was a fatherly figure. And she goes on to say nice things
3 about you.

4 Wendy Molina has written really a little note and
5 then a letter in July describing the family, that Jackie was
6 the homemaker, you were the breadwinner, and the three oldest
7 children are now adults raising their own families, and
8 expressing concern for the three youngest boys, the
9 16-year-old and the eight- and six-year-old, the two youngest
10 living with their sister Angela. And that letter is from
11 Dawn, I think it's Wilhorn or Withorn.

12 A letter from Wendy Molina really saying that she has
13 known Jackie and you since she has memory and considers you to
14 be good parents in the way you treated the children.

15 A letter from Shawn Draper, again along the same,
16 same line in his letter.

17 So those are what I've seen. I don't know if you've
18 seen those or not, Mr. Jubin.

19 MR. JUBIN: Your Honor, I personally have not. I
20 spoke with Angela Garcia, who was assembling some of these
21 things, and she indicated she had sent them to Mr. Fleener,
22 and I had requested they be sent to me, but somehow they
23 didn't get to me. But I was going to ask the Court to
24 consider those matters as they may inure to Mr. Molina's
25 benefit that he received in Jackie Garcia's case and to the

1 extent, for record purposes, to the extent it's necessary to
2 make sure that those letters find their way into the file as
3 pertinent to Mr. Molina as well.

4 THE COURT: Well, I could tell, I could tell when I
5 read them that they applied as much to your client as they did
6 to Mr. Fleener's client.

7 MR. JUBIN: And Angela Garcia had told me that they
8 were written on behalf of both. They were simply sent to
9 Mr. Fleener rather than to me.

10 THE COURT: Well, they were somewhat unusual in that
11 they weren't just letters from family members but encompassed
12 others as well. And as I, as I mentioned at the sentencing of
13 Miss Garcia, we all saw it, that both Mr. Carothers and
14 Miss Blankenship, although they testified for the Government,
15 did so with some reluctance and, of course, with a feeling of
16 loyalty towards Mr. Molina and Ms. Garcia. It certainly
17 didn't make them happy to have to provide that testimony.

18 The first thing that I must do is to calculate the
19 appropriate guideline to apply in this case. I agree with
20 Mr. Healy and I agree with you, after reading your response to
21 the presentence report and the analysis that you went to of
22 the trial language -- or the testimony at trial which
23 refreshed the Court and was helpful, that appropriate base
24 offense level in this case would be level 34 based upon the
25 drug quantity as developed during trial. Now, I agree with

1 Mr. Healy; that's a loose figure. I believe that there's
2 dabbling prior to the conspiracy in methamphetamine. It
3 started probably not before but certainly it became very
4 problematic after the tragic loss of their daughter and
5 continued on until this conspiracy was the result. So I think
6 the probation officer is probably well within, within their
7 purview in finding a 36, but I think the stronger evidence is
8 what we heard at trial in this case and will use that to avoid
9 speculation.

10 I also find, as is evident from the presentence
11 investigation report in this case, that the defendant
12 certainly early on had some turbulence in his life, mainly
13 repeated charges of driving under the influence of alcohol,
14 and there were some assaultive behavior back in 1993 and even
15 as recently as 1998, none of which was counted in the criminal
16 history in this matter, but alcohol was an issue at a time for
17 Mr. Molina. And I think the theft count in 2002, I'm not sure
18 if that is the same charge that Miss Garcia was involved in, I
19 think maybe it is a year later, but very similar to what
20 Miss Garcia had. But after that until this offense occurred
21 there was nothing that I'm seeing in the presentence
22 investigation report.

23 As noted here by counsel for the Government, that
24 would yield a sentencing range of 151 months to 188 months
25 confinement under the guideline with a 60-month consecutive

1 sentence on Count 2 that would be imposed. Supervised release
2 five years to life, and Count 2 a sentence of supervised
3 release of not more than five years. The fine range is a
4 maximum of \$10 million for Count 1, \$250,000 for Count 2.
5 Special assessment of \$100 for each count that is mandatory or
6 \$200. And the range is \$25,000 by guideline to 10 million.

7 I would be pleased to hear your comments about the
8 presentence investigation report.

9 MR. JUBIN: Thank you, Your Honor. Given the Court's
10 findings, obviously I have nothing more to say about the
11 quantity, the drug quantity calculation. I would note that
12 the presentence report objection response pleading, I filed
13 that July 8th. I think the presentence report indicates I
14 filed it July 28th, and I think that's because -- which is two
15 days from now, and I think that's because I have the wrong
16 date right above my signature on document 307, that specific
17 pleading. So that was filed on July 8th.

18 The other thing I would note is that the presentence
19 report assumed sentencing would occur on July 18th. Today is
20 July 26th of 2013, and 184 days credit based on the
21 then-assumed sentencing date ought to be 192 days based upon
22 today's date.

23 I don't have any other comments about the presentence
24 report other than what's in my written filing, but I would be
25 happy to continue to address other issues.

1 THE COURT: Very well. I would be pleased to hear
2 from you, and then I would like to hear from your client.

3 MR. JUBIN: Thank you. You know, I am quite aware
4 and Mr. Molina is quite aware that the statutory mandatory
5 minimum really ties the Court's hands in this case. There's a
6 10-year statutory mandatory sentence of imprisonment on the
7 drug conspiracy charge and a consecutive five-year mandatory
8 imprisonment on the 924(c). I guess what really stands out
9 here is that drugs can really consume people who are otherwise
10 pretty decent human beings. As those letters alluded to,
11 Mr. Molina and Jackie Garcia took in a lot of young people and
12 took in people who didn't have any other place to go. They
13 were pretty good people.

14 Sigi Molina spent a good portion of his life as a
15 hard worker. Early on he was somebody who was, you know, out
16 picking vegetables in the fields, and that's hard, hard work.
17 And then he was an electrician, and he was gone traveling away
18 from his family at times that were sacrifices that he did to
19 provide for them. And to see how drugs have torn that family
20 apart has been a hard thing to, to really watch. And you see
21 it, I guess, in this role as lawyers and you, as a judge, with
22 some frequency, and it's a real tragedy. And I guess part of
23 the real -- the way it became such a huge problem was the
24 tragic loss of Adrianna, who was their 15-year-old daughter,
25 and trying to cope with that. To try to escape the

1 devastation of that loss is something that we can really
2 hardly fathom. And that's talked about in the presentence
3 report at paragraphs 56 and 58.

4 So here we have somebody who is not afraid of hard
5 work but who went through some, some pretty tough times and
6 certainly hasn't been a perfectly law-abiding citizen. I
7 think the one criminal history point that does count in his
8 case involved a rented motel room where somebody else made off
9 with a lamp, but it was rented under his name, so he ended up
10 with the, the forfeiting and the conviction. I think that's
11 what that particular conviction is about.

12 Obviously the presentence report says that Mr. Molina
13 has never participated in any kind of drug treatment. He
14 obviously needs that. I would, like for Ms. Garcia, I would
15 strongly urge the Court to recommend or give a strong
16 recommendation that Mr. Molina obtain drug treatment. I know
17 that he's, he's not a citizen of this country. He's been a
18 long-term legal resident, and as we all know the current law
19 says that when he's done with his sentence he is going to be
20 deported. And I hope that doesn't interfere with his ability
21 to get that treatment. He needs that treatment wherever he is
22 going to be living.

23 So I guess -- Mr. Molina has support. He has some of
24 his family here. You can see his brother Manuel and I believe
25 Wendy, who you read some letters from. As well as his sister

1 Angela, who also wrote a letter, has custody of Sigi and
2 Jackie's children, and they couldn't bear to be here to watch
3 this happen to their parents, so they didn't come. They had
4 planned to come, but it was just too hard.

5 THE COURT: I understand.

6 MR. JUBIN: So I don't expect Mr. Molina will be
7 saying anything to you because he hasn't waived his right of
8 appeal and for those obvious reasons, but he may say something
9 pertaining to his family. And I would certainly leave it in
10 the Court's hands. The 180 months that the statutes require
11 is certainly more than is necessary in this case for somebody
12 who's Criminal History Category I. I don't mean to diminish
13 the seriousness of the offense, but for somebody who is
14 standing before the Court for the first time in these kinds of
15 circumstances, it's an awfully steep price to pay,
16 particularly when you look at the added what can only be
17 deemed a punishment, the likely mandatory deportation that he
18 is going to face. So for those reasons I would ask the Court
19 to impose the statutory mandatory minimum. It is certainly
20 sufficient to meet the goals and principles of 3553(a).

21 THE COURT: Mr. Molina, I would be pleased to hear
22 anything that you wish to say this afternoon.

23 THE DEFENDANT: I just want to say sorry. I let my
24 kids down.

25 MR. JUBIN: Nothing further, Your Honor.

1 THE COURT: Very well. Mr. Jubin -- I'm sorry,
2 Mr. Healy.

3 MR. HEALY: Nothing further from the Government, Your
4 Honor. Thank you.

5 THE COURT: There are arguments that could be
6 constructed. There are always arguments that can be
7 constructed to treat Mr. Molina differently than Ms. Garcia,
8 but I've read both of these presentence investigation reports,
9 and it just appears that me that they were partners in every
10 sense of the word in what was going on. Perhaps Sigi dealt
11 with the men typically, and Jacqueline certainly dealt with
12 the women, although I think she dealt with Carothers as well,
13 as kind of a mother figure for a boy who didn't have a mother.
14 His mother was in jail, and they took him in.

15 Mr. Molina is 41 years old. Why Mr. Molina and
16 Miss Garcia decided to risk trial before a jury in this case
17 will forever be a puzzle to the Court. Nevertheless, they
18 did, and the consequences of the minimum mandatory sentencing
19 certainly are upon them now. The question is whether or not
20 there should be -- whether or not a variance is appropriate.
21 I find that it is for several reasons. One is the history of
22 this case, the circumstances that at least started Mr. Molina
23 down this path, the tragic loss of his, his daughter in 2006,
24 and the use of methamphetamine and illegal substances to
25 self-medicate, deal with the pain of that loss, which is

1 unremitting, would not stop, and to this day he has been able
2 to discuss it with the probation officer. It was a terrible
3 event for both Miss Garcia and Mr. Molina.

4 As I pointed out to Miss Garcia, it does not excuse
5 what followed, that is, the distribution and the injury that
6 occurred or was allowed to occur by virtue of the conspiracy,
7 and that is sweeping up into it, although they were perfectly
8 willing participants, Kyle Carothers, who I have found
9 throughout to be a person of outstanding potential in his life
10 if he can stay sober and focused, other defendants in the
11 case, the very sad and mixed up Heidi Blankenship, another
12 able person Whitney Dawn Rose whose own life was very
13 turbulent, her association with all of this, and the ripples
14 of all of it go out.

15 We sentenced a week ago or so Michael Adams, who
16 there was a connection with, who was a drug source really at
17 one point who was involved in a senseless burglary and tried
18 to hide a gun as the police chased him, and that gun
19 ultimately ended up in the hands of an eight-year-old who shot
20 his friend and killed him by accident. Criminal conduct has
21 consequences, and those consequences are sad, and my guess is
22 Mr. Molina would have understood the pain expressed by those
23 people who lost their eight-year-old boy, the last boy in
24 their family, the only boy in their family, when they came to
25 court. Probably better than anybody here in this room

1 Mr. Molina would understand.

2 Without question the minimum mandatory sentence in
3 this case, in my mind, and this is me speaking, for the
4 conspiracy is a removal sentence. Anything above 10 years
5 seems to me is a removal sentence. It incapacitates an
6 individual and creates a huge barrier to an individual pulling
7 their life together and moving forward in terms of income,
8 job, education, training, anything. Whatever they take from
9 prison is what they will have and whatever they are able to
10 build again, but 10 years is a long time. And here there is
11 an additional 60 months, five years, on top, consecutive. 15
12 years is certainly an incapacitation sentence.

13 Mr. Molina by all accounts has had lengthy periods of
14 hard work and been productive. He is unusual as a person who
15 has come across the border from Chihuahua and has gone to
16 school and has developed a trade as an electrician. Not many
17 do. So he's valuable in terms of the income that he could
18 produce, and I would note that.

19 I'd note that the criminal conduct evolved from drug
20 use and abuse to a conspiracy to obtain more, more drugs and
21 money, because meaningful employment, other than helping out
22 the landlord, really had pretty much ended at the end of this,
23 this entire thing and kind of collapsed upon itself. And make
24 no mistake, I believe that harm, harm followed, not only to
25 Mr. Molina and Miss Garcia but to a lot of others as well as

1 others that we don't -- whose faces aren't here. Those were
2 the customers in Gillette who are probably headed in a bad
3 direction as we speak.

4 A variance of three levels will be imposed in this
5 matter or granted which would place Mr. Molina in a level 31,
6 Criminal History Category I.

7 Pursuant to the Sentencing Reform Act of 1984 and
8 those factors enumerated in 18 United States Code Section
9 3553(a), it is the judgment and sentence of the Court that the
10 defendant, Sigifredo Molina Varela, is hereby sentenced to a
11 term of 120 months' imprisonment as to Count 1 and 60 months'
12 imprisonment as to Count 2 to be served consecutively as to
13 Count 1 in the custody of the Bureau of Prisons.

14 Upon his release from imprisonment defendant shall be
15 placed on supervised release for five years as to Counts 1 and
16 2 to be served concurrently. That is, the supervised release
17 terms to be served concurrently. Within 72 hours of release
18 from custody of the Bureau of Prisons defendant shall report
19 in person to the Probation Office in the District to which he
20 is released should he not be deported.

21 While on supervised release defendant shall comply
22 with the following mandatory and standard conditions --
23 defendant shall comply with the mandatory and standard
24 conditions adopted by this Court and shall comply with the
25 following special conditions.

1 Defendant shall participate in and successfully
2 complete substance abuse treatment in a program approved by
3 the U.S. probation officer, abiding by the rules,
4 requirements, and conditions of the treatment program. He
5 shall not discontinue treatment without permission of the
6 probation officer. This condition is imposed because the
7 Court agrees with the probation officer that there
8 is -- Mr. Molina suffers from a serious drug addiction and
9 would benefit from treatment.

10 Defendant shall submit to drug and alcohol testing as
11 directed by the probation officer, complying with specific
12 copays should he fail to comply with drug testing. The
13 testing component that's imposed by the Court is imposed for
14 the purpose of giving credibility to the program of treatment,
15 to inform the Court if the defendant is slipping, and to
16 inform the probation officer if there is a slip so that it may
17 be addressed and dealt with and an increased or more intense
18 form of treatment instituted. Also should it be necessary to
19 impose a sanction, it would establish those circumstances.

20 As a component of his treatment and testing he shall
21 pay a one-time fee of \$250 to defray the costs of treatment
22 and/or drug testing by cashier's -- by money order or
23 cashier's check to the Clerk of the District Court here in
24 Cheyenne.

25 Defendant shall refrain from any use or possession of

1 alcohol or other intoxicants, including over-the-counter
2 medications used contrary to the recommended dosage or the
3 intentional inhalation of any substance, prescribed or
4 otherwise, without the permission of the U.S. probation
5 officer. Additionally, defendant shall not enter
6 establishments whose primary income is derived from the sale
7 of alcohol. This condition simply urges that the defendant
8 not substitute another, another addiction for the
9 methamphetamine addiction, and we will test to determine
10 compliance.

11 Defendant shall submit his person, residence, storage
12 facility, office, vehicle to a search at a reasonable time in
13 a reasonable manner based upon reasonable suspicion of
14 contraband or evidence of a violation of a condition of
15 supervised release.

16 The defendant shall participate in a cognitive
17 behavioral treatment regimen. As indicated here, journaling
18 probably is not a good idea since he does not have a skill as
19 a writer. We'll leave that up to the probation officer.
20 However, this condition is imposed because it is helpful to
21 this defendant to have the cognitive behavioral treatment
22 regimen which will help him to recognize and make change and
23 institute change in his life, recognizing where his use of
24 methamphetamine allowed the -- how it changed his thinking and
25 allowed him to do things against the law that he probably

1 would have never have done had he been the sober, hardworking
2 man that he had been before.

3 MR. JUBIN: Your Honor, I might mention he can write,
4 just in Spanish, not in English.

5 THE COURT: I'm not sure the probation officer could
6 read it or the treater.

7 Should defendant be deported upon completion of his
8 term of imprisonment, he shall not illegally reenter the
9 United States.

10 The Court finds the defendant does not have the
11 ability to pay a fine within the guideline range but is able
12 to pay a reduced fine of \$800, due immediately, inclusive of
13 penalties and interest if applicable. It is ordered that the
14 defendant shall pay a special assessment fee in the amount of
15 \$200 which shall be due immediately. Payments for monetary
16 obligations shall be made payable by cashier's check or money
17 order to the Clerk of the District Court in Cheyenne.
18 Defendant shall participate in the Inmate Financial
19 Responsibility Program to pay his monetary obligations. He
20 shall pay all financial obligations immediately. Any amount
21 not paid immediately or through the Bureau of Prisons
22 responsibility program shall be paid commencing 60 days after
23 his release from confinement in monthly installments of not
24 less than \$25 or 10 percent of his gross monthly income,
25 whichever is greater. All monetary payments shall be

1 satisfied not less than 60 days prior to the expiration of the
2 term of supervised release.

3 There are no dismissed counts to be considered.

4 I would advise the defendant that he has 14 days from
5 the date of entry of judgment in this case to file a notice of
6 appeal should he wish to appeal the judgment and sentence in
7 this matter. In any event, he should confer and consult with
8 his attorney, Mr. Jubin, in deciding whether he wishes to
9 appeal. If he should not, if he decides not to file a notice
10 of appeal and no notice of appeal is filed within 14 days, he
11 would likely lose his right to appeal the judgment and
12 sentence of the Court.

13 I want to ask and inquire now, does the defendant
14 wish to have a recommendation? I want to tell him that the
15 Government has informed the Bureau of Prisons that he should
16 be separated from other defendants in this case, which may
17 affect his classification or location, but I'm certainly
18 willing to make a statement.

19 MR. JUBIN: If I may have a moment, Your Honor.

20 (The defendant and counsel consult.)

21 MR. JUBIN: Your Honor, in discussing this with
22 Mr. Molina, I think his preference is obviously to be close to
23 his family and his children so they can visit him. I think
24 some of them are currently residing in Grand Island --

25 THE DEFENDANT: Grand Island.

1 MR. JUBIN: -- Nebraska. I don't know, perhaps
2 Yankton, South Dakota, might be the closest facility to that
3 that I can think of.

4 THE COURT: I don't know if he'd qualify for Yankton.
5 My guess is no.

6 MR. JUBIN: Is that a camp only?

7 THE COURT: Yeah, I think so, and because of the
8 firearm.

9 MR. JUBIN: Right. Well, I guess the request then
10 would be to --

11 THE COURT: Maybe Oxford or somewhere like that.

12 MR. JUBIN: -- to consider a location that is
13 consistent with his security classification that's as close to
14 Grand Island, Nebraska, where his children reside.

15 THE COURT: The Court will make that recommendation
16 in this matter. I can't guarantee where you will be placed,
17 Mr. Molina, but I will make that recommendation.

18 I strongly recommend in this case that, if possible,
19 the defendant be afforded the opportunity to participate in
20 the residential drug abuse treatment program. You know, the
21 unfortunate thing about your situation, it seems to me, as a
22 person who is likely to be deported, is that you would come
23 out of prison, be deported without any benefit of a halfway
24 house or a drug treatment program, and then you're left to
25 find a treatment program wherever you may end up, and my guess

1 is the programs that may be available on this side of the
2 border are not available on -- in Mexico. Maybe I'm wrong.
3 Hope I am. But I would urge, if possible, that you be allowed
4 to participate in the residential drug treatment program.

5 Mr. Jubin, anything further?

6 MR. JUBIN: Only that I would, for the record, renew
7 all prior objections in the matter for purposes of preserving
8 those objections for an appeal.

9 THE COURT: Very well. The Court will persist in its
10 previous rulings.

11 I'm sure that Mr. Molina is grateful that his sister
12 and brother-in-law are present here today at the sentencing or
13 family members have come from Gillette. Is that correct?

14 MR. JUBIN: Yes.

15 THE DEFENDANT: Yes.

16 THE COURT: All right. There being nothing further,
17 we'll stand in recess.

18 (Proceedings concluded 3:49 p.m.,

19 July 26, 2013.)
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C E R T I F I C A T E

I, JULIE H. THOMAS, Official Court Reporter for the
United States District Court for the District of Wyoming, a
Registered Merit Reporter and Certified Realtime Reporter, do
hereby certify that I reported by machine shorthand the
proceedings contained herein on the aforementioned subject on
the date herein set forth, and that the foregoing pages
constitute a full, true and correct transcript.

Dated this 13th day of October, 2013.

/s/ Julie H. Thomas

JULIE H. THOMAS
Official Court Reporter
Registered Merit Reporter
Certified Realtime Reporter
CA CSR No. 9162